OLD S 1 JULY WO

Hu

10-28-2005

PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE apenwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/810,354 Filing Date TRANSMITTAL March 26, 2004 First Named Inventor **FORM** Andrew T. Beckman Art Unit 3737 Examiner Name (to be used for all correspondence after initial filing) Attorney Docket Number END5095.0515520 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): Form PTO 1449 (4 Pages); Cited References Request for Refund Express Abandonment Request (20); Return Postcard. CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 LICANI, ATTORNEY, OR AGENT SIGNATURE OF APP Firm Name Frost Brown Todd LLC Signature Printed name Stephen R. Albainy-Jenei Date Reg. No. 41.487 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Linda E. Spore

Typed or printed name

Customer No. 26874 PATENT TRADEMARK OFFICE

Attorney Docket: END5095-0515520



Applicant: Beckman et al. : Paper No:

Serial No. 10/810,354 : Group Art Unit: 3737

Filed: March 26, 2004 : Examiner:

For: APPARATUS AND METHOD FOR MARKING TISSUE

## **INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references, which the Patent and Trademark Office may wish to consider in examining the above-identified application. The references are listed below, and are also listed on the attached Form PTO-1449.

### U.S. Patent References:

References	<u>Issue Date</u>	<u>Inventor</u>
US 2001/0003791	06-14-2001	Burbank et al.
US 2001/0004395	06-21-2001	McCrory et al.
US 2001/0021873	09-13-2001	Stinson
US 2001/0023322	09-20-2001	Esposito et al.
US 2001/0034528	10-25-2001	Foerster et al.
US 2001/0041936	11-15-2001	Corbitt, III et al.
US 2001/0049481	12-06-2001	Fulton, JR. et al.
US 2002/0013596	01-31-2002	Krag
US 2002/0016612	02-07-2002	Ashby et al.
US 2002/0026201	02-28-2002	Foerster et al.
US 2002/0035324	03-21-2002	Sirimanne et al.
US 2002/0038087	03-28-2002	Burbank et al.
US 2002/0038133	03-28-2002	Sing et al.

References	<b>Issue Date</b>	<u>Inventor</u>
US 2002/0058882	05-16-2002	Fulton, III et al.
US 2002/0058883	05-16-2002	Fulton et al.
US 3,640,741	02-08-1972	Etes
US 3,865,108	02-11-1975	Hartop
US 3,992,562	11-16-1976	Altenburger
US 4,002,173	01-11-1977	Manning et al.
US 4,014,335	03-29-1977	Arnold
US 4,080,959	03-28-1978	Leveen
US 4,207,893	06-17-1980	Michaels
US 4,352,883	10-05-1982	Lim
US 4,511,478	04-16-1985	Nowinski et al.
US 4,649,151	03-10-1987	Dougherty et al.
US 4,741,872	05-03-1988	DeLuca et al.
US 4,787,384	11-29-1988	Campbell et al.
US 4,826,945	05-02-1989	Cohn et al.
US 4,900,304	02-13-1990	Fijioka et al.
US 4,938,763	07-13-1990	Dunn et al.
US 5,090,955	02-25-1992	Simon
US 5,100,922	03-31-1992	Wada et al.
US 5,147,307	09-15-1992	Gluck
US 5,160,745	11-03-1992	DeLuca et al.
US 5,192,270	03-09-1993	Carswell Jr.
US 5,221,269	06-22-1993	Miller et al.
US 5,240,011	08-31-1993	Assa
US 5,258,043	11-02-1993	Stone
US 5,279,554	01-18-1994	Turley
US 5,288,291	02-22-1994	Teoh
US 5,395,319	03-17-1995	Hirsch et al.
US 5,410,016	04-25-1995	Hubbell et al.
US 5,487,392	01-30-1996	Haaga
US 5,507,807	04-16-1996	Shippert
US 5,526,822	06-18-1996	Burbank et al.
US 5,645,583	07-08-1997	Villain et al.
US 5,853,366	12-29-1998	Dowlatshahi
US 5,902,310	05-11-1999	Foerster et al.
US 5,941,890	08-24-1999	Voegele et al.
US 6,056,700	05-02-2000	Burney et al.
US 6,161,034	12-12-2000	Burbank et al.
US 6,173,715	01-16-2001	Sinanan et al.
US 6,174,330	01-16-2001	Stinson
US 6,181,960	01-30-2001	Jensen et al.
US 6,183,497	02-16-2001	Sing et al.
US 6,214,045	04-10-2001	Corbitt Jr. et al.
US 6,220,248	04-24-2001	Voegele et al.
US 6,228,055	05-08-2001	Foerster et al.
· · · · · · · · · · · · · · · · · · ·	<del> </del>	

References	Issue Date	Inventor
US 6,234,177	05-22-2001	Barsch
US 6,261,243	07-17-2001	Burney et al.
US 6,261,302	07-17-2001	Voegele et al.
US 6,270,464	08-07-2001	Fulton, III et al.
US 6,270,472	08-07-2001	Antaki et al.
US 6,280,399	08-28-2001	Rossin et al.
US 6,333,971	12-25-2001	McCrory et al.
US 6,336,904	01-08-2002	Nikolchev
US 6,347,241	02-12-2002	Burbank et al.
US 6,350,244	02-26-2002	Fisher
US 6,356,782	03-12-2002	Sirimanne et al.
US 6,363,940	04-02-2002	Krag
US 6,371,904	04-16-2002	Sirimanne et al.
US 6,427,081	07-30-2002	Burbank et al.

# Foreign Patent References:

References	<b>Publication Date</b>	<u>Inventor</u>
EP 1163888	12-19-2001	Chesbrough et al.
JP 2001-120569	05-08-2001	Mastoshi
WO 00/09005	02-24-2000	Russin
WO 00/24332	05-04-2000	Cortese
WO 00/78228	12-28-2000	Chin Sing et al.
WO 01/68720	09-20-2001	Goupil, et al.
WO 01/08578	02-08-2001	Buck et al.
WO 01/49184	07-12-2001	Burbank et al.
WO 02/26151	04-04-2002	Curpen et al.
WO 02/28267	04-11-2002	Klimberg et al.
WO 02/41786	05-30-2002	Burbank et al.
WO 90/07306	07-12-1990	Wildon
WO 93/14712	08-15-1993	Chapelon et al.
WO 94/17733	08-18-1994	Fitzpatrick et al.
WO 9608208	03-21-1996	Foerster et al.

#### Other References/Publications:

BRUNDIN, "Hydrogel Tubal Blocking Device: P-Block", Female Transcervical Sterilization, 1982, pages 240-244, Zatuchini et al, Eds., Harper Row, Philadelphia.

HOMER, et al., "The Geographic Cluster of Microcalcifications of the Breast", Surgery, Gynecology & Obstetrics, December 1985, pages 532-534, Volume 161.

KRAMER, S.S., et al., "A Permanent Radiopaque Maker Technique for the Study of Pharyngeal Swallowing in Dogs", Dysphagia, 1987, pages 163-167, Volume 1, Springer-Verlag, New York Inc..

STEINLEITNER, et al., "An evaluation of Flowgel as an intraperitonael barrier for prevention of postsurgical adhesion reformation", Fertility and Sterility, February 1992, pages 305-308, Volume 57, No. 2, The American Fertility Association.

STEINLEITNER, et al., "Poloxamer 407 as an Intraperitoneal Barrier Material for the Prevention of Postsurgical Adhesion Formation and Reformation in Rodent Models for Reproductive Surgery", Obstetrics & Gynecology, January 1991, pages 48-52, Volume 77, No. 1

Copies of non-patent literature cited are provided herewith. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

Serial No. 10/810,354

Applicants believe no fee is due as a result of this communication. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC's Deposit Account No. 06-2226.

Respectfully submitted,

ANDREW T. BECKMAN, et al.

Stephen R. Albainy-Jenei Registration No. 41,487 FROST BROWN TODD LLC 2200 PNC Center 201 East Fifth Street Cincinnati, Ohio 45202-4182 Telephone (513) 651-6839 Facsimile (513) 651-6981 salbainyjenei@fbtlaw.com

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25kday of October \_\_\_\_, 2005.

Linda E. Spore

CinLibrary 0021680.0515520 1568258v.1